

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

RYANAIR DAC,

Plaintiff,

v.

C.A. No. 20-01191-WCB

BOOKING HOLDINGS INC.,  
BOOKING.COM B.V., KAYAK  
SOFTWARE CORPORATION,  
PRICELINE.COM LLC, and AGODA  
COMPANY PTE. LTD,

Defendants.

**DEFENDANT BOOKING.COM’S  
RULE 50(b) MOTION FOR JUDGMENT AS A MATTER OF LAW,  
AND, ALTERNATIVELY, RULE 59 MOTION FOR A NEW TRIAL**

Defendant Booking.com B.V. (“Booking.com”) moves pursuant to Federal Rule of Civil Procedure 50(b) for judgment as a matter of law, and, in the alternative, for a new trial pursuant to Federal Rule of Civil Procedure 59 (the “Motion”), on multiple grounds:

(1) Plaintiff Ryanair DAC (“Ryanair”) failed to establish at trial a basis for the extraterritorial application of the Computer Fraud and Abuse Act (“CFAA”); and

(2) Ryanair failed to show “loss,” as that term is defined in the CFAA, attributable to Booking.com in the amount of \$5,000 or more in a one-year period—a prerequisite to a civil action under the CFAA; and

(3) Ryanair failed to show “damage” as that term is defined in the CFAA, which is a requirement for Ryanair’s unauthorized access claim (Count IV); and

(4) Ryanair failed to show an intent to defraud by Booking.com, a required element of Ryanair’s fraud claim (Count II); and

(5) The jury's verdict was contrary to the evidence and in the event that judgment as a matter of law is denied or reversed, a new trial would be required.

Support for this Motion may be found in Booking.com's brief filed simultaneously herewith.

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/s/ Jeffrey L. Moyer

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